

SDMS US EPA REGION V -1

**SOME IMAGES WITHIN THIS
DOCUMENT MAY BE ILLEGIBLE
DUE TO BAD SOURCE
DOCUMENTS.**

STATE OF ILLINOIS
DEPARTMENT OF PUBLIC HEALTH
SPRINGFIELD 62706

FRANKLIN D. YODER, M.D., M.P.H.
DIRECTOR

DIVISION OF SANITARY ENGINEERING
November 8, 1967

ST. CLAIR COUNTY - Solid Waste Disposal
Sauget / Monsanto

Mr. Paul Sauget
Sauget and Company
2902 Monsanto Avenue
Sauget, Illinois 62206

Dear Mr. Sauget:

On October 18, 1967, Sanitary Inspector Richard A. Eisenkoff and Sanitarian H. E. Gish of this Department made an inspection of your refuse disposal site located at lot number 304, sixth subdivision, Cahokia Commons, on property owned by the Cahokia Trust Company, Arcade Building, East St. Louis, Illinois. Our representatives were unable to contact you due to the late hour of the inspection.

Based on our representatives' report, we conclude that your refuse disposal site is not being operated in accordance with the Refuse Disposal Law and this Department's Rules and Regulations for Refuse Disposal Sites and Facilities adopted pursuant thereto. In order to comply with the State requirements, we request that you take the following action:

1. Proceed immediately to improve operation of your sanitary landfill so that it will conform with this Department's Rules and Regulations for Refuse Disposal Sites and Facilities, copy enclosed.
2. Complete covering of all exposed refuse on the site within thirty (30) days of the date of this letter.
3. Provide this Department with a description of the source and type of all liquid wastes being disposed of in the sanitary landfill and in the liquid holding pit near the entrance to the site. Any toxic wastes should be fully described as to their chemical constituents.

We shall expect your immediate acknowledgment of this letter, together with your statement of the action you have taken or intend

WCR *File*

STATE OF ILLINOIS
DEPARTMENT OF PUBLIC HEALTH
SPRINGFIELD 62706

FRANKLIN D. YODER, M.D., M.P.H.
DIRECTOR

DIVISION OF SANITARY ENGINEERING

January 25, 1968

ST. CLAIR COUNTY - Solid Waste Disposal
Sauget/Monsanto

CERTIFIED MAIL

Mr. Paul Sauget
Sauget and Company
2902 Monsanto Avenue
Sauget, Illinois 62206

Dear Mr. Sauget:

As a follow-up to our letter of November 8, 1967, a reinspection of your refuse disposal site located on property owned by the Cahokia Trust Company at lot number 304, sixth subdivision, Cahokia Commons, Sauget, Illinois, was made by our Sanitary Inspector Richard A. Eisenkoff on December 29, 1967. Mr. Richard Tiser, Operator, was interviewed at that time. Further observance of the site was made on January 22, 1968.

Based on our findings, we conclude that your refuse disposal site is being operated in violation of the Refuse Disposal Law as amended August 18, 1967; furthermore, trucks are dumping refuse from another state at your site in violation of Paragraph 482, Chapter 111½, Illinois Revised Statutes.

Violations noted at the time of the inspection are:

1. The site is not posted and fencing is not provided to restrict access or to prevent blowing litter at the unloading site.
2. Refuse was not being adequately compacted as received.
3. Refuse on the operating face of the fill was not receiving six inches of daily cover.
4. The completed side slopes of the fill have not received the required two feet of final cover.
5. Liquids of unknown chemical composition are received at the site without the prior written approval of this Department; some of the liquids are discharged directly onto the landfill surface and the ground.

to take to comply with the recommendations enumerated herein. A reinspection will be made in the near future to determine the progress being made.

Very truly yours,

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

Franklin D. Yoder, M.D.

Franklin D. Yoder, M.D.
Director

By

C. W. Klassen
C. W. Klassen
Chief Sanitary Engineer

RAE:rls

Encl. - Rules and Regulations for
Refuse Disposal Sites and
Facilities

cc - West Central Regional Office

COPY

St. Clair County - SWD
Sauget/Monsanto

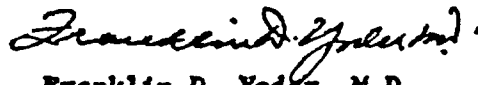
- 2 -

6. Salvaged material was not being removed daily nor was it properly stored at the site. This is considered to be scavenging and is prohibited.
7. Sanitary handwashing and toilet facilities are not provided.


The operation of your site was not acceptable as a sanitary landfill. The continued operation of this site in the present manner and the continued acceptance of refuse from another state are violations of the aforementioned State Statutes. We wish to advise that this Department intends to proceed with legal action as authorized under the Statutes.

Very truly yours,

ILLINOIS DEPARTMENT OF PUBLIC HEALTH



Franklin D. Yoder, M.D.
Director



C. W. Klassen
Chief Sanitary Engineer

RAE:rls/CEC:ss

cc's/- West Central Region ✓
- St. Clair County State's Attorney

MEMORANDUM

DIVISION OF SANITARY ENGINEERING

DEPARTMENT OF PUBLIC HEALTH

St. Clair Co. - SVD
Subject *Sanger / Sanger & Co.* Date *7/26/68*
To *Robt. Schlenger Reg. Engr. III*
From *M. E. Gish - B. of Gen. San.*

Please proceed with
the enclosed injunction by
taking this material to the
St. Clair Co. State's Attorney.
Thanks!

STATE OF ILLINOIS
DEPARTMENT OF PUBLIC HEALTH
SPRINGFIELD
62706

July 26, 1968

ST. CLAIR COUNTY - Solid Waste Disposal
Sauget/P. Sauget & Co.

The Honorable John M. Karns, Jr.
State's Attorney of St. Clair County
Courthouse
Belleville, Illinois 62220

Dear Sir:

Pursuant to the authority contained in Chapter 111½, Illinois Revised Statutes, 1967, it is hereby requested that you seek immediate injunctive relief against Sauget and Company, 2902 Monsanto Avenue, Sauget, Illinois, to close the solid waste disposal site it operates on its property in violation of the aforementioned Statute.

The site is owned and operated by Sauget and Company. The principal officers are Leo Sauget, President, and Paul Sauget, Secretary and Manager. It is located approximately 1 mile west of Hwy. 3 and ½ mile south of Monsanto Avenue in Sauget. The legal description is Lot 304 of the Sixth Subdivision of the Cahokia Commons, T.2N., R.10W., St. Clair County, State of Illinois.

Please note the enclosed profile of the site since our original inspection of May 10, 1966. We believe that immediate injunctive closure of this site is imperative in view of the company's continued willful violation of this Law. Your cooperation and assistance in this matter will be greatly appreciated. This Department and its staff involved with this matter stand ready to assist your action. To further assist your staff, we have prepared a draft of the proposed complaint, which is attached. Thank you.

Very truly yours,

Franklin D. Yoder, M.D.
Director

MEG/ss

cc's/- Division of Sanitary Engineering
- General Administration
- Region 6, East St. Louis, Ill.

**ST. CLAIR COUNTY - Solid Waste Disposal
Sauget/Sauget & Co.
2902 Monsanto Avenue
Sauget, Illinois**

**Lot 304, 6th Subdivision, Cahokia Commons, T.2N., R.10W., St. Clair Co.,
State of Illinois**

4/11/66	This Department observed open burning and open dumping of refuse.
5/10/66	This Department observed open dumping of refuse at this site.
3/2/67	This Department observed open dumping of refuse at this site.
3/16/67	Received completed registration forms for the site from Sauget & Co.
10/18/67	Inspection by this Department revealed 11 violations of the Illinois Refuse Disposal Law and pertaining Regulations.
11/1/67	Inspection by this Department revealed no improvements had been made. Same violations observed as were noted on 10/18/67.
11/29/67	Inspection by this Department revealed no improvements had been made. Same violations observed as were noted on 10/18/67.
12/28, 12/29/67, and 1/22/68	Inspections by this Department revealed no improvements had been made since the 10/18/67 inspection. Twelve violations of the Illinois Refuse Disposal Law and pertaining Regulations were observed. A certified letter and telegram was sent to Mr. P. Sauget on 1/25/68 listing the violations noted and notifying him that the site was not acceptable for receiving refuse.
1/30/68	Received letter and telegram from P. Sauget which stated he will comply with the pertaining Law and Regulations and requested an inspection on 2/29/68.
2/1/68	An inspection was conducted by this Department to determine if progress was being made towards complying with the Refuse Disposal Law and Regulations. It was observed that action had been initiated towards correcting the violations.

St. Clair Co. - SWD
Sauget/Sauget & Co.

- 2 -

2/2/68 Telegram sent by this Department stating that the site was satisfactory for the acceptance of refuse.

2/9/68 Inspection by this Department found the site and operation in compliance with the Refuse Disposal Law and Regulations.

2/15/68 Inspection by this Department revealed the operation to be satisfactory.

2/20/68 Site found to be satisfactory.

3/5/68 Inspection by this Department revealed a lack of cover material along the edge of the active fill area.

3/14/68 Inspection by this Department revealed operation to be satisfactory.

3/21/68 Inspection by this Department revealed a lack of cover material along the edge of the active fill area.

4/15/68 Inspection by this Department revealed operation had deteriorated. Violations observed were scavenging, not providing daily cover material over all dumped refuse, exposed refuse at several locations along west side of site due to erosion of the cover material, septic tank leaching ponds located on the completed fill area were overflowing over the edge of the landfill onto adjacent terrain, and the completed fill areas had not received a final depth of 24" of cover material.

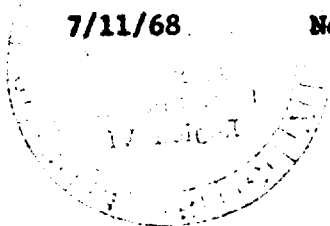
4/25/68 Inspection by this Department revealed the same violations were existing as observed on 4/15/68.

5/23/68 The inspection by this Department revealed no improvements had been made. In fact, additional deterioration of the site was noted since the last previous inspection.

6/27/68 Inspection by this Department revealed further deterioration of the site. A certified letter was sent to Mr. P. Sauget discussing the 11 violations observed and that the site is not acceptable for the receiving of refuse.

7/10/68 Inspection by this Department revealed no improvements had been made. Refuse was not receiving daily cover and a smoldering fire was observed at the south end of the fill.

7/11/68 No operational improvements made.



St. Clair Co. - SWD
Sauget/Sauget & Co.

- 3 -

- 7/13/68 Inspection by this Department revealed the same violations were existing, as well as the following additional items: Attendant was engaged in the burning of other combustible wastes at the brush burning site, which require daily cover, access to the site not totally restricted as attendant stated 4 loads were dumped during the night, and debris had been openly dumped into liquid chemical ponds.
- 7/14/68 No operational improvements made. Refuse was not receiving daily cover, no landfill equipment observed on the site while refuse was being dumped, septic tank wastes had been openly dumped along south edge of fill, sign at entrance indicated site is closed on Sundays but site was open and refuse was observed being dumped, and attendant was observed scavenging through refuse.
- 7/22/68 Inspection by this Department revealed that the face of the fill was not receiving daily cover, the shelter was not screened, exposed refuse still existed along the entire west edge of the site (except for 20% of the total area where earth had been applied), open chemical ponds and wire dumping site contained debris that required daily cover, and haulers were dumping at the site. Improvements since last inspection were: The loading of salvaged items onto a semi-trailer, and the restricting of combustible wastes at the brush burning site.
- 7/23/68 This Department requested injunctive relief through the St. Clair County State's Attorney's Office.

M E M O R A N D U M

October 13, 1970

ST. CLAIR COUNTY - Solid Waste Disposal
Sauget/Sauget

TO: Environmental Protection Agency
Bureau of Land Pollution Control

FROM: Region II

DATE OF INSPECTION: October 6, 1970

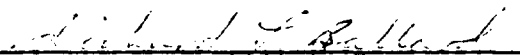
INTERVIEWED: Jim Lindsey, equipment operator

On the above date an inspection of the above-named site was conducted by this writer. Equipment operator Jim Lindsey was contacted at the time of the inspection. He stated that a new operator had been hired to work full time at the site.

Inspection of the site revealed that some improvement has been made in providing cover for exposed refuse, however, the face is still not covered daily and sufficient cover material is not available.

Blowing litter was observed in the fill area and no portable fencing was provided. No efforts were being made to police the site.

This report is submitted for your information.


Richard L. Ballard
Sanitary Inspector

RLB/skv

cc: Region II

ILLINOIS POLLUTION CONTROL BOARD
May 26, 1971

ENVIRONMENTAL PROTECTION AGENCY)

)

)

#71-29

v.)

)

SAUGET & COMPANY)

OPINION AND ORDER OF THE BOARD (BY SAMUEL T. ALDRICH):

Mr. Robert F. Kaucher, Special Assistant Attorney General,
for the Environmental Protection Agency.

Mr. Harold G. Baker, Jr., Belleville, for Sauget & Company and
Paul Sauget

The Environmental Protection Agency filed a complaint against Sauget and Company, a corporation. On motion of the Assistant Attorney General, Paul Sauget, operator of the company, was added as a party respondent. The complaint alleged that before, on and since November 30, 1970, Respondent had allowed open dumping at his solid waste disposal site in violation of Section 21(a) and (b) of the Environmental Protection Act ("Act") and Rule 3.04 of the Rules and Regulations for Refuse Disposal Sites and Facilities ("Land Rules"). The complaint also alleged that since November 30, 1970, Respondent had permitted the open burning of refuse, had failed to provide adequate fencing or shelter, had allowed unsupervised unloading, had not spread and compacted the refuse as it was admitted, and had not covered the refuse at the end of each working day. Further, during the same period, Respondent allegedly had disposed of liquids and hazardous materials without proper approval, had imposed no insect or rodent control, had dumped refuse over a large impractical area and had permitted scavenging and improper salvaging operations. The aforementioned acts are all in violation of various provisions of the Land Rules and/or of the Act. At the hearing on April 13, 1971, allegations of inadequate fire protection and allowing the feeding of domestic animals were dismissed at the request of the Agency.

At the hearing the Agency asked that the wording of its complaint be amended by the substitution of "Before, on and since" for "Since" in all except the first alleged violation. As will become apparent later in the opinion, the failure of the Agency to include the more comprehensive wording was a critical factor in determining the number of violations of which the Board could find Sauget guilty. Respondent claimed surprise, contending that if the request were granted he would be deprived of an opportunity to prepare a defense against the new charges. We agree with Respondent's contention and dismiss

the request for amendments to the complaint. We hold, however, that Respondent was adequately warned by the Agency complaint against surprise of allegations on November 30.

Before considering the issues in the case, we must deal with Respondent's motion to dismiss the complaint. Respondent argues that the entire complaint should be dismissed on constitutional grounds, contending that the delegation of rule-making power to the Pollution Control Board is unconstitutional. He further contends that the Board cannot impose any fines because of constitutional prohibitions. In PCB 70-34, EPA v. Granite City Steel Co., we held that regulatory powers in highly technical fields are commonly delegated to administrative agencies at every level of government. Responsibility for all rule-making activities would impose an impossible burden on legislatures. We further held that the pollution statutes provide sufficient standards to guide the Board's judgement and adequate procedural safeguards to avoid arbitrary action. We have also held, in PCB 70-38 and 71-6, consolidated, EPA v. Modern Plating Corp., that the Board has the constitutional authority to impose money penalties. We find Respondent's constitutional arguments to be without merit.

The evidence offered in the case leaves little doubt that Sauguet & Company allowed open dumping at its solid waste disposal site. The Agency introduced photographs showing that certain identifiable objects were visible on successive days. This is in clear violation of Section 21(a) and (b) of the Act and Rules 3.04 and 5.07(a) of the Land Rules which prohibit open dumping and require that all exposed refuse be covered at the end of each working day. Indeed the record indicates that some refuse present on May 22, 1970, was still uncovered on March 8, 1971. Paul Sauguet, secretary-treasurer of Sauguet & Company admitted that refuse had not always been covered by the end of each day (R.169). He explained that this was mostly due to mechanical breakdowns of the equipment and contended that the "rule book" allowed for such problems. However, Respondent did not attempt to prove that the failure to cover on the days specified by the Agency was due to mechanical breakdown. Further, there can be no excuse for permitting any refuse to remain uncovered for a period of almost a year. We do note, however, that conditions at the site have improved somewhat in recent months. Respondent has attempted to cover the refuse on a regular basis, but efforts in this regard have been hampered by the tremendous volume of material accepted.

An important issue in the case is the type of cover material used. The record indicates that since March of 1966 Respondent had used cinders as cover. Paul Sauguet testified that he had been told by the Chief Sanitary Engineer of the Department of Public Health that cinders were acceptable as cover. (R. 157). We agree that Sauguet could rely upon the statement of the Department of Public Health as a defense against a charge of improper covering. Rule 5.07 of the Land Rules states that cover material must permit only minimal percolation of surface water when properly compacted. Clearly, cinders cannot be properly compacted and they allow more than minimal percolation. They are thus not acceptable as cover material and their use is in violation of the regulations.

The practice of covering with cinders must stop.

Respondent is alleged to have allowed open burning at his waste disposal site in violation of Section 9(c) of the Act and Rule 3.05 of the Land Rules. Photographs taken on December 1, 1970, and introduced by the Agency show material burning on the surface of the refuse. There is some evidence that both surface and sub-surface burning occurred on November 30, 1970. Paul Sauget testified that burning is not done intentionally but that some fires start accidentally. He claimed that when this happens, attempts are made to extinguish the fire. However, a witness from the Agency testified that on December 1, 1970, while Agency personnel were present no attempt was made by defendant's employees to put out a fire. There is reason to believe that Respondent has been negligent in his attempts to stop open burning at the landfill site.

Several witnesses testified that Sauget & Company did not have adequate fencing at its waste disposal site, a violation of Rule 4.03 (a) of the Land Rules. The Rule also requires that the site be furnished with an entrance gate that can be locked. These provisions are designed to prevent promiscuous dumping which renders impossible the proper daily compaction and covering of the refuse. Testimony by witnesses for the Agency indicated that the site in question was not adequately fenced nor provided with a proper gate. These conditions were said to exist on November 30, 1970 (R.31,89). The record indicates that improvements have been made since that time. Fencing was apparently installed on two sides of the landfill site between February 8, and March 22, 1971 (R. 122). Respondent did not dispute the Agency's observations of November 30, but indicated that since that date steps had been taken to restrict access to the site. The record is unclear as to the adequacy of some of these measures and we are undecided whether permanent fencing should be provided on all sides of the landfill site. The record indicates that the liquid waste disposal facility is adequately fenced.

Rule 4.03(a) of the Land Rules also requires that the hours of operation of a landfill site be "clearly shown". This is necessary in order to inform the public as to when dumping is permissible and facilitate proper supervision. Witnesses for the Agency testified that hours of operation were not posted on their visits to the site on November 30, 1970 and March 22, 1971 (R.89,119). This was disputed by Respondent who claimed that signs had been posted since July 1, 1970 (R.167). From the record it is evident that on several occasions the hours of operation were not clearly shown, as required by the regulation.

Again with regard to fencing, Rule 5.04 of the Land Rules requires that portable fences be used when necessary to prevent blowing of litter from the unloading site. Witnesses for the Agency testified that portable fencing had not been provided on three separate occasions since November 30, 1970 (R. 31,60,115). Respondent claimed that portable fences had been used near the face of the landfill since November 30 but did not specifically dispute the contentions of the Agency that fencing was absent on certain dates.

The Agency also alleged that Sauget & Company further violated Rule 5.04 by allowing unsupervised unloading at its waste disposal site. Again the evidence is contradictory. A witness for the Agency testified that the gate to the liquid waste disposal facility was open and unattended on two occasions (R. 119,121). Respondent indicated that an attendant was always present (R.168) but the record is not entirely clear as to the degree of supervision provided at the liquid waste facility.

Sauget & Company is alleged to have violated Rule 5.06 of the Land Rules by not spreading and compacting the refuse as it is admitted. Testimony by witnesses for the Agency indicated that this violation occurred on two occasions (R. 90,115). One of the witnesses interpreted the Rule to mean that refuse must be compacted and covered by the next day (R. 136). This interpretation was not disputed, and we accept it. Since we have already ruled that Respondent is guilty of not covering refuse by the next day, he must also be in violation of Rule 5.06.

Additionally, several witnesses testified that Sauget & Company not confined the dumping of refuse to the smallest practical area, in violation of Rule 5.03 of the Land Rules. The words "smallest practical" are only vaguely descriptive. We interpret such an area to mean one which can be properly compacted and covered by the end of the working day. We have already found that the Respondent failed to cover his refuse properly. The record does not permit us to decide whether the size of receiving area contributed in part to this failure.

Respondent is alleged to have had no proper shelter at his solid waste disposal site, in violation of Rule 4.03(c) of the Land Rules. Although the absence of shelter in the landfill area was not disputed, the testimony of Paul Sauget indicated that such a structure had been present in the liquid disposal area since 1959 (R.173). The shelter was said to possess drinking water and toilet facilities, and to be accessible to persons working in the landfill area. We find that the Respondent has provided proper shelter for operating personnel.

The Agency complains that Sauget & Company had disposed of liquid and hazardous materials without prior approval. Rule 5.08 of the Land Rules requires that such disposal be approved by the Department of Public Health. Much testimony was received concerning the disposal of liquids in the liquid waste facility. A witness for the Agency described the odor emanating from these liquids as "very nauseous" (R.119), but no attempt was made to identify the components of the liquids chemically. Agency witnesses testified that they did not know whether or not the liquids were hazardous. Respondent had registered his liquid waste facilities with the Department and no further permit is required. We find that operations at the liquid waste disposal area are not in violation of any regulations. We are concerned, however, that substances deposited in this area may indeed be hazardous. The proximity of the site to the Mississippi River makes it particularly important that such substances be

identified. We will therefore order that Sauget file with the Agency and Board a list of chemicals being disposed or an affidavit from Monsanto (the only user of the chemical dumping site) that the chemicals do not pose a threat to pollution of the Mississippi River by underground seepage. If the wastes prove to be of a hazardous nature Sauget & Company will be required to obtain a letter of approval from the Agency according to provisions of 5.08 before continuing to handle such wastes.

Although Respondent's operations at the liquid disposal area do not violate the regulations, there is testimony that liquids have sometimes been deposited at the solid waste facilities. An employee of the Agency witnessed the disposal of liquid wastes at the landfill on three occasions since November 30, 1970 (R.114,117,121). All disposal of liquids at the solid waste facilities must cease.

Paul Sauget admitted allowing "midnight driver sanitary people" to dump at the landfill (R.160). If, as we surmise, this is pumpings from septic tanks it is obviously a most unsanitary practice and is in clear violation of Rule 5.08 of the Land Rules.

Sauget & Company is also alleged to have operated its landfill operation without insect and rodent control, in violation of Rule 5.09 of the Land Rules. There is ample evidence that rats have lived at the site (R. 32,39,91). Paul Sauget professed not to know that control was required (R.170). The problem of insect and rodent control is likely due to failure to provide adequate cover for the refuse. Richard Ballard of the Department of Public Health testified that in the absence of adequate covering pest control will never be attained (R.92).

There are still more complaints. The Agency alleges that Sauget Company has violated the regulations dealing with scavenging (Rule 5.1 the manual sorting of refuse) and salvaging (Rule 5.10, not defined). Paul Sauget testified that salvage operations were permitted at the site for purposes of safety to the bulldozer and operator and so that the refuse could be compacted properly (R.172). He denied the Agency's contentions that salvaging interfered with the landfill operation and the salvaged materials were allowed to remain at the site in violation of Rules 5.10(c) and (d) of the Land Rules. A witness for the Agency did testify that on March 8, 1971, the sorting operations created less interference than those which he observed earlier (R.61). It is difficult to determine from the record whether many of the activities witnessed constitute a violation of the ban on scavenging or of unsanitary salvage operations. It is clear that materials have been illegally sorted by hand at the dumping site (R.115). This must cease. Scavenging is prohibited and salvage must be conducted at an area remote from the operating face of the fill.

In previous cases where the Respondent had no prior warning and the violations were not flagrant, the Board assessed penalties of \$10 (EPA v. J. M. Cooling, PCB 70-2, and EPA v. Neal Auto Salvage, Inc., PCB 70-5). Where Respondents had prior warning of a history of

actual violation, fines of \$1500 were assessed (EPA v. Eli Anicopi, PCB 70-15, and EPA v. R. E. Charlott, PCB 70-17). This, however, should not be construed as foreclosing fines of greater amount in appropriate circumstances.

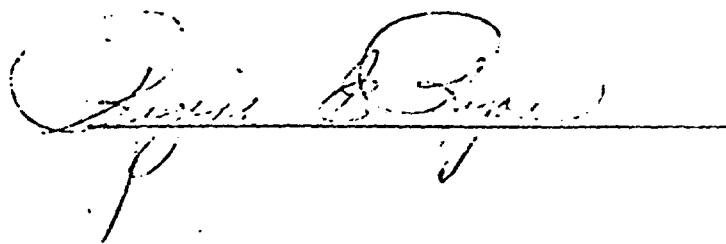
This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1. Sauget & Company and Paul Sauget are to comply with Rules 5.06 and 5.07(a) of the Rules and Regulations for Refuse Disposal Sites and Facilities by completing the compaction and covering of all exposed refuse by the end of each working day.
2. Sauget & Company and Paul Sauget are to cease and desist the use of cinders as cover material.
3. Sauget & Company and Paul Sauget are to cease and desist the open dumping of refuse in violation of Section 21(a) and (b) of the Environmental Protection Act and Rule 3.04 of the Rules and Regulations for Refuse Disposal Sites and Facilities.
4. Sauget & Company and Paul Sauget are to cease and desist the open burning of refuse in violation of Section 9(c) of the Environmental Protection Act and Rule 3.05 of the Rules and Regulations for Refuse Disposal Sites and Facilities.
5. Sauget & Company and Paul Sauget are to cease and desist the disposal of liquids at its solid waste disposal facility in violation of Rule 5.08 of the Rules and Regulations for Refuse Disposal Sites and Facilities.
6. Sauget & Company and Paul Sauget are to comply with Rules 4.03(a) and 5.04 of the Rules and Regulations for Refuse Disposal Sites and Facilities with regard to the posting of hours of operation and the provision of proper fencing. Every point of practicable vehicle access shall be fenced.
7. Sauget & Company and Paul Sauget are to cease and desist the sorting of refuse by hand in violation of Rules 5.10 and/or 5.11 of the Rules and Regulations for Refuse Disposal Sites and Facilities.
8. On or before June 15, 1971, Sauget & Company and Paul Sauget shall file with the Agency and the Board a list of chemical compounds being deposited in the liquid waste disposal facility, or an affidavit of Monsanto Company that the chemicals do not pose a threat of pollution of the Mississippi River by underground seepage. Upon failure to furnish such information, the Board shall hold a supplemental hearing on five days' notice to the parties and shall enter such further Order as shall be appropriate.

9. Sauget & Company and Paul Sauget shall remit to the Environmental Protection Agency the sum, in penalty, of \$1,000.00.

I, Regina E. Ryan, Clerk of the Pollution Control Board, certify that the Board adopted the above opinion and order this 22 day of May, 1971.



STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

INTER - OFFICE CORRESPONDENCE

DATE: November 27, 1972
MEMO TO: Enforcement Services Section, DLPC
FROM: Surveillance Section, DLPC
SUBJECT: ST. CLAIR COUNTY - Land Pollution Control
Sauget/Sauget

I Sauget and Company
 Paul Sauget, Secretary and Manager

II III IV	<u>Date</u>	<u>Time</u>	<u>Weather</u>	<u>Persons Present</u>
	6/01/71	3:30 p.m.	Sunny, Clear	Mensing, Bob Dailey
	7/12/71	2:30 p.m.	Sunny, Hot	Mensing, Child, Dailey
	9/14/71	10:15 a.m.	Sunny, Hot	Child, Richard Ticer
	9/30/71	10:05 a.m.	Warm, Clear	Mensing, Child, Dailey
	11/11/71	3:00 p.m.	Warm, Clear	Mensing, Dailey
	12/02/71	12:00 p.m.	Cold, Clear	Child, Daily, Ticer
	1/25/72	10:45 a.m.	Cold, Clear	Mensing, Child, McCarthy, Dailey
	2/14/72	11:00 a.m.	Cool, Clear	Mensing, Child, Dailey
	3/07/72	10:55 a.m.	Cldy., Warm	Mensing, Dailey
	3/14/72	2:00 p.m.	Sunny, 65°	Mensing, McCarthy, Vollmer, Dailey, T. Clark
	3/15/72	1:15 p.m.	Cldy., Wet, 50°	Mensing, McCarthy, Vollmer, Dailey
	4/13/72	2:45 p.m.	Ptly. Cldy., 85°	Mensing, Dailey
	5/03/72	3:45 p.m.	Cldy., 55°	Mensing, Child, Dailey
	5/04/72	11:15 a.m.	Clear, 65°	Mensing, Child
	5/22/72	1:50 p.m.	Sunny, 90°	Mensing, Child, McCarthy, Dailey

EVERY INTER-OFFICE LETTER SHOULD HAVE ONLY ONE SUBJECT.
ALL LETTERS TO BE SIGNED . . . NO SALUTATION OR COMPLIMENTARY CLOSING NECESSARY.

<u>Date</u>	<u>Time</u>	<u>Weather</u>	<u>Persons Present</u>
5/23/72	9:45 a.m.	Sunny, 80°	Mensing, Child, Dailey
6/07/72	4:15 p.m.	Clear, 80°	Mensing, Child, Sauget, Ticer
6/08/72	7:05 a.m.	Clear, 65°	Child
7/03/72	1:30 p.m.	Cldy., 80°	Mensing, Child, Dailey
7/27/72	12:00 p.m.	Clear, Mild	Child, G. Phillips
8/03/72			Child, T. Clark
9/05/72	3:45 p.m.	Ptly. Cldy, 78°	Mensing, McCarthy, Dailey
9/06/72	11:00 a.m.	Clear, 75°	Mensing, McCarthy
10/11/72	9:40 a.m.	Cldy., 70°	Mensing, McCarthy, Dailey
10/16/72	3:00 p.m.	Clear, 72°	Mensing, Child, Sauget
10/17/72	2:30 p.m.	Cldy, 60°	Mensing
10/18/72	10:00 a.m.	Cldy, 40°	Mensing
11/03/72	11:00 a.m.	Cldy, 45°	Mensing, Child, Dailey

V

<u>Date</u>	<u>Nature of Conversation</u>
6/01/71	Mensing informed Bob Dailey, site manager, that a few 55 gallon drums of liquid (which appeared to be varnish, solvents and paint by-products) were being deposited in the fill area. Dailey was informed that dumping of liquids at the landfill should cease immediately.
7/21/71	Mr. Dailey was informed that chemicals emptied from barrels and placed in a dike impoundment on the landfill site should cease and that no liquids should be accepted at the landfill.
9/14/71	William Child pointed out to operator Richard Ticer a few small areas on the fill face which required additional cover.
9/30/71	Mr. Sauget was informed by phone to immediately discontinue accepting septic tank pumpings at his site.
11/11/71	Mr. Dailey was informed not to dump refuse into the pool of septic tank waste.
12/02/71	William Child indicated to Mr. Dailey that Marker Buoys had been dumped into the pool of septic tank waste and that no refuse should be dumped in the waste.

<u>Date</u>	<u>Nature of Conversation</u>
1/25/72	Mr. Dailey was asked what they plan to do about cover material as the available supply is used up. He said they would truck it in.
2/14/72	Mr. Dailey requested permission to place large rocks and concrete in the area previously used for disposal of septic tank waste. Mr. Dailey was given permission to do so.
3/07/72	Mr. Dailey requested permission to fill in the pool of septic tank liquid with general refuse. This request was verbally denied. Mr. Dailey also stated that they will need to haul in cover material as they fill in the southeast corner of the site.
3/14/72	Mr. Dailey was informed of areas on the site which needed additional cover.
3/15/72	Mr. Dailey was informed that open dumping was observed and that adequate daily cover was not being applied.
4/13/72	Mr. Dailey was told that the finished portions of the site have not received satisfactory final cover.
5/03/72	Mr. Dailey was informed that refuse was observed in an area of standing water and that exposed refuse was observed in an area detached from the active fill area. Mr. Dailey was told that these deficiencies should be rectified.
5/22/72	Mr. Dailey was informed that random probings revealed that the cover material on top of fill was only averaging 3 to 4 inches. Also, he was told that fencing and restrictions should be installed on the south end of the site. Mr. Dailey was again told about the need to apply final cover.
5/23/72	Same as May 22, 1972.
6/07/72	Mr. Sauget was informed that restrictions should be erected at south end of the site, Mr. Sauget was also told that less than six inches of cover material has been placed over the refuse on top of the fill.
7/03/72	Mr. Dailey was informed of the following observations: Smoke was observed emanating from an underground fire in the fill area, a pool of liquid was observed to have been dumped at the base of the fill, some refuse was observed to have been promiscuously dumped along a road leading into the south end of the site, no restriction was present at the south of the site.
9/05/72	Mr. Dailey was informed that refuse was observed in an area of ponded water. He stated that the water was rainwater and that the rain caught them while they were dumping in the low area and that they couldn't cover the refuse.

<u>Date</u>	<u>Nature of Conversation</u>
10/11/72	Mr. Dailey stated that they had been dumping in the new area south of the Alton & Southern Railroad tracks since October 6, 1972.
10/16/72	Paul Sauget stated that the new dumping area was covered by the Public Health Registration since it was the same lot number and same owner. Mr. Sauget also stated that he is still working on obtaining a permit for the area. Mr. Sauget was informed that the Agency felt that he needed an E.P.A. permit before he could dump in the new area. He was further informed that investigation disclosed that the old and new dumping areas were not included in the same lot number. He was also informed that many areas on his old site lacked the six inch daily cover and that final cover should be applied to the site.
11/03/72	Mr. Dailey was informed about the area on the site that contained an underground smouldering fire. Mr. Dailey stated that he knew about the fire.

VI Sauget & Company
2902 Monsanto Avenue
Sauget, Illinois 62206

VII Attached.

VIII The following is a compilation of data indicating non-compliance with the P.C.B. opinion (PCB 71-29) dated May 26, 1971.

Order #1 - Inadequate daily cover was observed on:

3/14/72	5/04/72	6/07/72	11/06/72	10/17/72
3/15/72	5/22/72	6/08/72	10/11/72	10/18/72
5/03/72	5/23/72	11/05/72	10/16/72	11/03/72

Order #2 - Respondent used fly ash cover material on the following dates:

6/01/71	9/14/71	11/11/71	2/14/72	3/14/72
7/12/71	7/27/71	1/25/72	3/07/72	3/15/72

Order #3 - Open dumping was observed on:

3/14/72	5/04/72	6/07/72	11/06/72	10/17/72
3/15/72	5/22/72	6/08/72	10/11/72	10/18/72
5/03/72	5/23/72	11/05/72	10/16/72	11/03/72

Order #4 - Smoke emanating from an underground fire was observed on the following dates:

7/03/72	10/17/72
7/27/72	10/18/72
9/05/72	11/03/72
9/06/72	

Order #5 - Liquids were observed to have been dumped on the following dates:

6/01/71	9/30/71
7/12/71	7/03/72
9/14/71	7/27/72

Order #6 - On the following dates, adequate restrictions were not present on the south end of site:

5/22/72	6/08/72	10/16/72
5/23/72	7/03/72	10/17/72
6/07/72	10/11/72	10/18/72

Order #7 - Sorting of refuse by hand was observed on the following date:

12/02/71

Letters to E.P.A. from Paul Sauget

7/28/71 Mr. Sauget wrote that the disposal of liquid waste at the sauget landfill has been discontinued as of July 13, 1971. He stated that they are not accepting any liquid waste material until a method of disposal is established within accordance of Rules and Regulations.

Liquids were subsequently observed to have been dumped in the site on:

9/14/71	7/03/72
9/30/71	7/27/72

4/20/72 Mr. Sauget wrote to say that the only open dumping is when refuse is being dumped from the trucks. He also said that the refuse is being covered daily, even if the inspectors do not think so.

- X At times the odor emanating from the adjacent toxic chemical dump is very strong and pungent.
- XI No nearby residences
- XII None.
- XIII Included.
- XIV Lot #304, 6th Subdivision, Cahokia Commonfields, T2N., R.10W., 3rd P.M., St. Clair County, Illinois.
- XV Presently the site is registered with the Department of Public Health. Mr. Sauget has applied for a permit, but the applications so far have been denied.

Since October 6, 1972 Mr. Sauget has been dumping in an area south and adjacent to the area where he had been dumping for years. This new area is south of the Alton and Southern Railroad tracks. Mr. Sauget stated that the new area is included in the Public Health Registration, since it has the same owner and is included in the same lot number. A check with Emmett Walsh of the St. Clair County Mapping and Platting Department revealed that the new dumping area is included in lot number 302, not lot number 304.

RICHARD B. OGILVIE
GOVERNOR



WILLIAM L. BLASER
DIRECTOR

IN REPLY REFER TO:
ST. CLAIR COUNTY - L. 100-100000
STATE OF ILLINOIS
Environmental Protection Agency

Mr. Paul Sauget
St. Clair County
2001 Commercial Avenue
Sauget, Illinois 62306

RECEIVED
Environmental Protection Agency

JAN 5 1973

Dear Mr. Sauget:

115A W. MAIN ST.
COLLINSVILLE, ILL.

Your reference to the Illinois Department of Environmental Protection, 115A W. Main St., Collinsville, Illinois, dated November 1, 1972 and December 1, 1972.

The Illinois Department of Environmental Protection, 115A W. Main St., Collinsville, Illinois, dated November 1, 1972 and December 1, 1972.

A release of refuse from your site, which is not a valid permit from this Agency, is a violation of the Environmental Protection Act.

The area where you are presently dumping south of the Alton and Southern Railroad tracks is part of Lot 2382. The area which you registered with the Department of Public Health in 1967 is Lot 2381. Your present fill area is neither registered nor permitted.

Open dumping of refuse was observed.

Refuse was not being spread and compacted.

Refuse was not being covered daily.

The finished areas of your landfill have not received satisfactory final cover.

Access to your site is not restricted to posted days and hours of operation.

Refuse was observed in an area of ponded water.

Access to the site is permitted when operating personnel are not on the site.

In the New Illinois, we accommodate!

2200 CHURCHILL ROAD
(AT 2400 WEST JEFFERSON)
SPRINGFIELD, ILLINOIS 62706
AREA 217-525-3397

Handwritten initials or signature

Mr. Paul Sauget
Page -2-
January 3, 1973

... old refuse is being excavated in advance of the
... that some of the old refuse is
being incorporated with the underlying earth material and
being utilized as cover material. This practice should
cease immediately. All refuse should be covered with a
minimum of 18 inches of earth.

The following is being presented to the results of this
investigation to the Pollution Control Board pursuant to the enforce-
ment provisions of the Illinois Pollution Control Act.

Any person who violates any provision of the Illinois Pollution Control Act
or any rule, regulation or order promulgated thereunder shall be guilty of a
violation of the Act.

THE STATE OF ILLINOIS
OFFICE OF THE ATTORNEY GENERAL

C. J. ...

C. J. ...
Surrogate Section
Division of Land Pollution Control

KGM:mc
cc: Region IV
cc: Cahokia Trust
c/o Don C. Elsaesser
135 North Meramec Avenue
St. Louis, Missouri

RECEIVED
Environmental Protection Agency

JAN 5 1973

115A W. MAIN ST.
COLLINSVILLE, ILL.

ENVIRONMENTAL PROTECT. AGENCY
STATE OF ILLINOIS
ROUTE SLIP

DATE 1-5-73TO: Reg. 4

☐ Approval
☐ As requested
☐ Comment
☐ Confer
☐ For information
☐ For recommendation
☒ Investigate
☒ Necessary action
☐ Note and destroy
☐ Note and file
☐ Note and return
☐ Per conversation
☐ Prepare reply
☐ Signature

Remarks

Contact
 Paul Sargent
 and arrange
 for a joint
 trip

FROM: Gray

RICHARD B. OGILVIE
GOVERNOR



January 10, 1973



WILLIAM L. BLASER
DIRECTOR

STATE OF ILLINOIS
ST. CLAIR COUNTY - Land Pollution Control
Environmental Protection Agency
Cahokia/Cahokia Trust

Mr. Paul Sauget
c/o Sauget and Company
2902 Monsanto Avenue
Sauget, Illinois 62206

Dear Mr. Sauget:

This will acknowledge receipt of your December 22, 1972, letter addressed to Mr. Clark, regarding our previous correspondence, subject as above.

Your cooperation is appreciated. Your letter is being forwarded to our regional unit for their information and follow-up investigation. I am requesting that our field personnel contact you and arrange for a joint inspection of the subject facility in order that we may clear up any misunderstandings or confusion in this matter.

Cordially,

ENVIRONMENTAL PROTECTION AGENCY

Gary C. Brashear
Gary C. Brashear, Sanitary Inspector
Surveillance Section
Division of Land Pollution Control

GCB:cp

cc: ☒ Region IV

In the New Illinois, we accommodate!

2200 CHURCHILL ROAD
(AT 2400 WEST JEFFERSON)
SPRINGFIELD, ILLINOIS 62706
AREA 217-525-3397

h
Bar

Sauget and Company

2902 MONSANTO AVENUE
SAUGET, ILLINOIS 62206



December 22, 1972

RECEIVED

DEC 27 1972

Mr. C. E. Clark, Manager
Surveillance Section
Division of Land Pollution Control
Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

Re: St. Clair County - Land Pollution Control
Canokia/Canokia Trust

Dear Mr. Clark:

I am replying to your letter dated December 1, 1972, by request of Mr. Don Elsaesser of the Canokia Trust, regarding the property located North of Red House Road, as you refer to as Fox Terminal Road, of which I have never heard.

The dumping you refer to on the South end of the site is being dumped on the Red House Road right-of-way, which belongs to St. Clair County, Illinois, as I have stated to you before; so St. Clair County is in violation of the rules and regulations.

Final covering, as you refer to the old landfill site, as far as I know has been made. Several years ago Canokia Trust hired equipment that cleared the refuse on this site and covered it, and now the site has grown up in vegetation.

The new landfill operation which you refer to is not new, but a continuation of my site that is registered with the Department of Public Health, and until the Illinois Pollution Control Board adopts new rules I do not need a permit to operate this landfill, so I see no violation on this site.

I wish you would have your technical representative, on his next inspection, contact me personally, and I will go over this site with him.

Very truly yours,

PAUL SAUGET

PS/bjl

cc: Mr. Don C. Elsaesser
Mr. Robert H. McRoberts, Sr.

1
70